

HOUSE BILL 2367

By Shipley

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 54, Chapter 7 and Title 58, relative to local
government.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-7-202, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) The chief administrative officer or any other official or employee of the county shall only use county vehicles, equipment, supplies or road materials for official county road purposes. The chief administrative officer shall not authorize or knowingly permit any county vehicle, equipment, supplies, or road materials for private use or for the use of any individual for private purposes. However, the county governing body may authorize the county road department to:

(1) Perform work for other governmental entities; provided, that the cost of authorized projects so authorized are reimbursed to the county road department;

(2) Perform emergency management assistance to local emergency management agencies following an emergency or disaster; or

(3) Use county vehicles, equipment, or supplies to collect brush, leaves, or similar debris in areas of the county located on a public road.

(b) Any employee of the county road department who sells, gives away, or uses for personal gain, any county vehicle, equipment, supplies, or road materials shall be immediately discharged.

(c) A violation of this section is a Class C misdemeanor. Each separate unauthorized use of county road department property constitutes a separate offense.

(d) Any person whose property is improved by having road material placed on the property in violation of this section shall be liable to suit for the value of the improvement. Any amounts recovered, including all legal fees and other recovery costs, shall be payable to the county road department.

(e)

(1) Notwithstanding this section or any other section to the contrary, at the written request of the appropriate United States postal authority or the appropriate school board or education department, the county may use county vehicles, equipment and supplies to maintain areas for the purpose of providing public school buses and postal vehicles with a route and a turnaround area, even though the areas may not be on the official county road map or part of a public road right-of-way for which the county is responsible. The county shall not maintain the area if it will not be used for purposes in this section. The county shall obtain written permission from the owner of any property proposed to be used as a turnaround area prior to commencing any work on that property.

(2) The county road department and the appropriate postal authority or school board or education department shall determine prior to commencement of the project whether all or part of the cost of the paving will be reimbursed to the county road department.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.